



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Kruthers, Heather H. (for Petitioner Public Administrator)

(1) Final Report of Successor Administrator and (2) Petition for Discharge

DOD: 4/28/2002		<p>PUBLIC ADMINISTRATOR, Successor Administrator Court-appointed on 1/31/2014, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner has performed all duties required in the administration of the estate of the Decedent; According to the Court's docket, no creditor's claims were filed against the estate; No Inventory and Appraisal was filed because the Public Administrator determined there were no assets in the estate; the "estate" consisted of an IRA account, which had a beneficiary thereby making it a non-probate transfer; Due to the lack of an estate, Petitioner and her attorney do not request any fees; The being insolvent, there is no property on hand. <p>Petitioner prays that:</p> <ol style="list-style-type: none"> The final report be settled, allowed and approved as filed, and all acts and proceedings of Petitioner as Successor Administrator be confirmed and approved; and The Public Administrator be discharged as Successor Administrator. 	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Duties/Supp			
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<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 3/5/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Allison</p>		

Atty Janian, Paulette (for Petitioner Alice McCoy, Conservator)

Petition to Fix Residence Outside the State of California

			ALICE MCCOY, adoptive mother and Conservator of the Person appointed on 5/30/2008, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			~Please see Petition for details~	<p>Note: If <i>Petition</i> is granted:</p> <p>a. Within 30 days of the move, Petitioner must file with the Court and serve on all interested parties a <i>Post-Move Notice of Change of Residence</i>.</p> <p>b. Petitioner must establish a conservatorship or its equivalent in Tennessee pursuant to Probate Code 2352(d)(2)(C).</p> <p>c. A status hearing will be set on Thursday, September 10, 2015, at 9:00 a.m. in Department 303 for filing proof of the establishment of a conservatorship or its equivalent in Tennessee.</p>
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
✓	Pre-move Ntc			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LEG	
			Reviewed on: 3/5/15	
			Updates:	
			Recommendation:	
			File 2 - McCoy	

(1) First Amended Account Current and Report of Conservator, (2) Petition for Its Settlement, (3) for Allowance of Attorney's Compensation, (4) and for Its Termination

		DEBRA PASLEY , Mother and Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 3-28-13 through 10-17-14	<u>OFF CALENDAR</u>
		Accounting: Not provided.	Second Amended Account filed 3-6-15 is set for hearing on 4-23-15. <u>However, this further amended account still appears to have most of the issues noted here.</u>
Aff.Sub.Wit.		Petitioner refers the Court to Exhibit B; however, Exhibit B is the 10-17-14 bank statement only	1. Need further amended petition. This amended petition does not contain an accounting in compliance with Probate Code §§ 2620, 1060, or schedules as required by Cal. Rule of Court 7.575.
Verified	x		2. According to Declaration of Mara Erlach filed 1-30-13, the conservatorship estate also contains a 1/5 interest in real property in Franklin County, VA. This should be addressed in the account and schedules pursuant to Probate Code §1063(h).
Inventory			3. The petition is not verified at all. A fiduciary must verify an account, even if he or she is not located in this county. See Probate Code §§ 1021, 1023.
PTC		Beginning POH: \$13,438.31 (per I&A)	4. Need Notice of Hearing.
Not.Cred.		Ending POH: \$1,715.61 (per bank account statement as of 10-17-14)	5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the Conservatee and all relatives pursuant to Probate Code §1460(b)(2) and (b)(5): - Morgan Pasley (Conservatee) - David Hal Jones (Father)
Notice of Hrg	x	Petitioner hereby applies to the court for an order that the conservatorship in California can be terminated since the Conservator and Conservatee now reside in Oklahoma. Letters of General Guardianship, Order Appointing General Guardian, and Plan for the Care and Treatment of the Ward evidencing the establishment of the Oklahoma conservatorship are attached as Exhibit A.	6. Need account statement(s) showing balance immediately preceding appointment. Probate Code §2620(c)(2).
Aff.Mail	x		7. There is no Exhibit C attached the amount or basis for the attorney's request for compensation.
Aff.Pub.			8. Need order.
Sp.Ntc.			Reviewed by: skc
Pers.Serv.			Reviewed on: 3-5-15
Conf. Screen		The conservator does not request compensation.	Updates: 3-6-15
Letters			Recommendation:
Duties/Supp			File 4 – Pasley
Objections			
Video Receipt		Attorney requests compensation pursuant to Exhibit C. (Note: No Exhibit C is attached.)	
CI Report			
2620(c)	x	Petitioner prays:	
Order		1. That this account and report be approved and settled;	
		2. That the acts of the Conservator shown in the account and report be approved;	
		3. That the compensation for the attorney be approved;	
Aff. Posting		4. That the conservatorship be terminated; and	
Status Rpt		5. For such other and further relief as the Court deems proper.	
UCCJEA			
Citation			
FTB Notice			

Petition for Instructions

DOD: 3-29-13			See petition for details.	NEEDS/PROBLEMS/COMMENTS:	
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
			<u>Continued from 2-3-15. The following have now been filed:</u>		
			<ul style="list-style-type: none">• Objection filed 2-23-15 by Scott Raven• Memorandum of Points and Authorities in Support of Objection filed 2-23-15• Supplement to Objection filed 2-27-15• Memorandum of Points and Authorities in Reply to Objection filed 3-3-15 by Petitioner.		
			<u>Note:</u> The Order Settling Executor's First Account entered 12-8-14 authorized continuation of the administration for up to one year. A status hearing was set for 1-11-16 for the filing of the Second and Final Account.		
			Reviewed by: skc		
			Reviewed on: 3-5-15		
			Updates:		
			Recommendation:		
			File 5 - Carlson		

Atty Kruthers, Heather H. (for Petitioner Public Administrator)

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for (3) Distribution

DOD: 9/9/2013		PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		<u>Account period: 11/15/2013 – 12/23/2014</u>	
Cont. from 021815		Accounting - \$272,019.79	
Aff.Sub.Wit.		Beginning POH - \$270,784.05	
Verified		Ending POH - \$237,893.62 (all cash)	
✓	Inventory	Administrator - \$8,440.40 (statutory)	
✓	PTC		
✓	Not.Cred.	Attorney - \$8,440.40 (statutory)	
✓	Notice of Hrg		
✓	Aff.Mail W/	Attorney XO - \$2,248.40 (for sale of real property @ \$1,000.00, and preparation of tax returns @ \$248.00 (1 deputy hour @ \$96/hr and 2 assistant hours @ \$76/hr;)	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen		Costs - \$895.50 (filing fees, certified copies)	
Letters 111513		Bond Fee - \$680.05	
Duties/Supp			
Objections		Distribution pursuant to intestate succession is to:	
Video Receipt		• DOUGLAS DANELL – \$43,437.86 cash;	
CI Report		• JOHN DANELL – \$43,437.86 cash;	
9202		• MARILYN CHAREST – \$43,437.85 cash;	
✓	Order	• VICKIE HALE – \$43,437.85 cash;	
Aff. Posting		• LINDA FOSTER – \$43,437.86 cash.	
Status Rpt			
UCCJEA			
Citation			
✓	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 3/5/15
			Updates:
			Recommendation:
			File 6 – Danell

Atty McCloskey, Daniel T. (formerly for Rachelle Ireland, Executor)
 Atty Horton, Lisa (currently for Rachelle Ireland, Executor)

Petition for Attorney's Fees and Costs

DOD: 2/24/2014		<p>DANIEL T. MCCLOSKEY of the law firm of TUTTLE & MCCLOSKEY, former Attorney for RACHELLE IRELAND, Executor, is Petitioner.</p> <p>RACHELLE IRELAND, daughter, was appointed Executor on 4/16/2014.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The law firm of Tuttle & McCloskey represented Rachelle Ireland until replaced by the Executrix in pro per; Petitioner filed on 3/10/2014 a Petition for Probate requesting appointment [of <i>Rachelle Ireland</i>] as executrix of the Decedent's estate; she was appointed on 4/16/2014 and was granted full IAEA authority; based on information and belief that authority has not been revoked; A <i>Substitution of Attorney</i> was filed on 8/14/2014 substituting Rachelle Ireland in pro per in place of Petitioner as counsel for Rachelle Ireland; On 9/17/2014, Petitioner filed a <i>Request for Special Notice</i> and a <i>Creditor's Claim</i> regarding their claim against the estate for the statutory attorneys' fees and costs advanced; A <i>Final Inventory and Appraisal</i> of the estate was filed by Petitioner on 5/16/2014 showing the value of the estate as \$199,122.60, which included the real property in on Road 225 in North Fork, and a ½ interest in real property on Callisch Ave. in Fresno; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Paragraph 7 of the <i>Petition</i> states a Creditor's Claim was filed by Petitioner for statutory attorney's fees and costs advanced. Court records do not show a Creditor's Claim was filed; however, a <i>Request for Special Notice</i> was filed 9/24/2014. Itemization of costs in Paragraph 13 of the <i>Petition</i> and itemization of costs in <i>Exhibit A</i> includes a \$40.00 filing fee for the <i>Request for Special Notice</i>, which Court may require Petitioner to justify as a cost that should be charged to the estate rather than borne by the Petitioner. Paragraph 13 of the <i>Petition</i> requests as a cost advanced the \$435.00 filing fee for the instant <i>Petition for Attorney's Fees</i>. Court may require Petitioner to justify this filing fee as a cost that should be charged to the estate rather than borne by the Petitioner, who is no longer representing the Executor such that the filing fee for the instant <i>Petition</i> appears inappropriately charged to this estate.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 041714		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: LEG
Reviewed on: 3/6/15
Updates:
Recommendation:
File 8 - Stafford

Petitioner states, continued:

- A *Supplemental Inventory and Appraisal* of the estate was filed by Petitioner on 7/29/2014, showing an additional value of the estate in the amount of **\$43,919.00** for a ½ interest in a Missouri limited liability company whose only asset was real property located in Parkville Missouri;
- Petitioner was informed by a representative for Secured Title of Kansas City–North, the settlement agent for the LLC, that on 7/31/2014, escrow closed with regard to the sale of the real property held by the LLC;
- Petitioner believes a check in the amount of **~\$42,043.50** was to be delivered to the Executrix on 8/1/2014 by the surviving member of the LLS for deposit into the probate account;
- Petitioner believes that the estate closed, and that the estate accounted for should be in the amount of **\$243,041.60**, and that it is Petitioner's belief that the estate consists of cash in the amount of **~\$43,000.00** and the real property;
- Petitioner has advanced funds for payment of necessary expenses of the estate [consisting of filing fees, certification fees, publication, probate referee fees] totaling **\$1,579.71**, and Petitioner requests the Court approve reimbursement of this sum for costs advanced by Petitioner;
- Petitioner has performed the services set out in *Exhibit A* attached, relating to statutory fees provided on behalf of the estate prior to its substitution;

Petitioner requests the Court approve attorney's fees of **\$6,288.66 (80%** of the statutory fees) for services rendered from **3/4/2014 to 8/26/2014** in preparation of the petition for probate and related documents, calculated as follows: estate accounted for is **\$243,041.60** (statutory basis) which calculates as **\$7,860.83** as the statutory fee, with **80%** calculating as **\$6,288.66**.

Petitioner prays for an Order that:

1. Rachelle Ireland, Executrix, be directed to pay to Petitioner Tuttle & McCloskey from the estate the sum of **\$6,288.66**, which represents 80% of the statutory fees for services rendered from 3/4/2014 to 8/26/2014; and
2. Rachelle Ireland, Executrix, be directed to pay to Petitioner Tuttle & McCloskey from the estate the sum of **\$1,579.71** which represents reimbursement of costs advanced by Petitioner from 3/4/2014 to 8/26/2014.

(1) First and Final Report of Executor on Waiver of Account and Petition for Settlement Thereof; (2) for Waiver of Executor's Compensation for Ordinary Services; (3) for Allowance of Attorney's Fees for Ordinary Services and (4) for Final Distribution

DOD: 11-11-12		DONALD MORTON , Executor with Full IAEA without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 2-2-15. The following issue remains noted: 1. Donald Morton was appointed Executor pursuant to the Stipulation filed 6-24-14. At that time, distribution was not before the Court, and although the stipulation itself included the proposed payment in lieu of an interest in the real property, such distribution was not considered or authorized by the Court at that time, and the stipulation was considered regarding initial appointment only. See Order After Hearing filed 8-4-14. Therefore, it appears that the payment of \$40,000.00 to Greg Watkins was made prior to any court authorization of the agreement and distribution.
		Accounting is waived	
		I&A: \$168,000.00	
		POH: \$168,000.00	
Cont. from 020215		(real property in Kingsburg, CA)	
<input type="checkbox"/>	Aff.Sub.Wit.	Executor (Statutory): Waived	
<input checked="" type="checkbox"/>	Verified	Attorney (Statutory): \$6,040.00	
<input checked="" type="checkbox"/>	Inventory	Petitioner states that pursuant to Stipulation filed 6-24-14, heir Greg Watkins agreed to receive cash in the amount of \$40,000.00 in lieu of an interest in the real property. Filed concurrently with this petition is a Receipt on Final Distribution signed by Greg Watkins on 4-28-14.	
<input checked="" type="checkbox"/>	PTC	Distribution pursuant to the decedent's will and Stipulation filed 6-24-14:	
<input checked="" type="checkbox"/>	Not.Cred.	Donald Morton: Entire estate (Real property in Kingsburg, CA)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 3-5-15
			Updates:
			Recommendation:
			File 9 – Morton

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 05/18/2014	CYNDEE A. JORDAN , as Trustee of the Brock Living Trust, is petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. The Inventory and Appraisal does not list real property it lists a promissory note which is personal property. A petition requesting an order concerning personal property only is not permitted under Probate Code §13151. • The Supplemental to Petition to Determine Succession to Real property filed 11/18/2014 admits that the promissory note is personal property. Therefore this procedure cannot be used under Probate Code §13151. Where only personal property is involved the Affidavit procedure under Probate Code §13100 is the appropriate summary procedure.
	40 days since DOD		
	No other proceedings		
Cont. from 111814, 120914, 012715	I&A - \$55,355.71		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory	Will dated 11/10/2003 devises the residue of the estate shall pass to the Trustee of the Trust designated as the Brock Living Trust.		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests Court determination that decedent's 49.11% interest in Promissory Note dated December 22, 1997 pass to CynDee A. Jordan, as Trustee of the Brock Living Trust.		
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order	Supplemental to Petition to Determine Succession to Real Property filed 11/18/2014 states the Inventory and Appraisal lists a promissory notes (which is personal property). However, the note is secured by a certain Deed of Trust dated 12/22/1997, recorded in the Official Records of the County of Madera on 12/24/1997 as Document No. 9734162, as assigned pursuant to that certain Corporation Agreement of Deed of Trust dated 01/09/1998, recorded in the Official Records in the County of Madera on 05/21/1998, as Document No. 9814033 (the "Deed of Trust"). The Deed of Trust is listed on the Inventory and Appraisal. A deed of trust is a security interest in real property wherein in legal title in real property is transferred to a trustee, which holds it as security for a loan between a borrower and a lender. Hence, the Petition seeks on order concerning real property and personal property and it appropriate under Probate Code §13151.		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
<u>Please see additional page</u>			

Memorandum of Points and Authorities in Support of Petition to Determine Succession to Property filed 01/12/2015.**Petition to Determine Succession To Property Is the Appropriate Procedure To Transfer Interest in Real Property Where Total Estate Is Below \$150,000.00 But Above \$50,000.00.**

A decedent's successor in interest (as defined by Probate Code § 13006) may transfer a decedent's interest in real property (and personal, if any) by filing a petition under Probate Code § 13150-13158 when the total value of real and personal property does not exceed \$150,000.00. However, where there is no interest in real property to be transferred this procedure is unavailable. Here, the petition filed a Petition to Determine Succession to Real Property to determine succession to both a promissory note and the Deed of Trust securing said promissory note.

Deed of Trust Is Interest In Real Property.

A deed of trust is a conveyance of real property to secure payment of a debt, which is usually evidenced by a separate promissory note. *Hohn v. Riverside County Flood Control etc. Dist.* (1964) 228 Cal. App 2d 605, 6011. California authority has long held that the holder of a deed of trust possesses an interest in the underlying real property. *Massae v. Superior Court* (1981) 118 Cal. App. 3d 527, 536 ("Of course the California real property security instrument known as a deed of trust creates rights or interests in real property"). "[A] trust deed *definitely* does represent an interest in the land, for the title is in the trustee for the benefit of the creditor." *Estate of Moore* (1955) 135 Cal. App. 2d 122, 131 (emphasis added); *Bank of Italy v. Bentley* (1933) 217 Cal. 644; *Snyder v. Western Loan & Bldg. Co.* (1934) 1 Cal. 2d 697, 701; *Py v. Pleitner* (1945) 70 Cal. App. 2d 576, 579; *Mortgage Guarantee Co. v. Lee* (1943) 61 Cal. App. 2d 367, 375. This has been the rule in California ever since 1859. *Koch v. Briggs* (1859) 14 Cal. 256; *Bank of Italy*, *supra*, 217 Cal. At 655; *Moore*, *supra*, 135 Cal. App. at 132. In sum, "any rule that rests upon the assumption that the holder of a trust deed note does not have any interest in the land *finds no substantial basis in California law.*" *Moore*, *supra*, 135 Cal. App. at 132 (emphasis added). As such, the petition is appropriate and the relief sought – that is, an order determining interest in both the promissory note and the Deed of Trust – should be granted.

Public Policy Favors Granting The Petition

An overlying issue in this matter is the need to have a clean record of title for the Deed of Trust. If the Petition is denied, the Petitioner will be left with two avenues to attempt to transfer the deed of trust; she can either record a 13100 affidavit or probate the assets. The former will not clear title and the latter is a waste of judicial resources.

A 13100 affidavit is insufficient to clear title because it cannot be used to transfer and interest in real property. Prob. Code § 13100. This presents two issues for the Petitioner. First, if the real property securing the deed of trust is sold, an escrow company will request a payoff demand from the record owner of the deed of trust and once escrow companies to determine who needs to make the payoff demand and where such funds should be distributed. Additionally, a title company will not issue a title policy with a 13100 affidavit in the chain of title. Therefore, if a 13100 affidavit were to be used the petitioner will find herself in a position where escrow cannot close and a title policy will not issue as a result of failing to have a court order determining succession to the Deed of Trust.

Therefore, if the Petition is denied the Petitioner will be left with no choice but to probate the Deed of Trust. This uneconomical giving the small value of the estate assets. Moreover, it would serve as a waste of judicial resources.

Probate Status Hearing Re: Filing Inventory & Appraisal

DOD: 04/20/2014	<p>MARGARET NICHOLS, spouse, was appointed Administrator with full IAEA authority without bond on 09/02/2014.</p> <p>Letters issued on 09/03/2014.</p> <p>Partial No. 1 Inventory and Appraisal filed 10/22/2014 shows an estate valued at \$275,000.00.</p> <p>Minute Order of 09/02/2014 set this status hearing for the filing of the Inventory and Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR. Final Inventory and Appraisal filed 01/23/2015.</u></p> <p>1. Need Final Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 010615		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: LV</p> <p>Reviewed on: 03/06/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Nichols</p>	

Atty Bush, Hilda (proper – paternal aunt/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Trenton, 1		<u>TEMPORARY EXPIRES 03/10/15</u>	NEEDS/PROBLEMS/COMMENTS:
Tamaiya, 5 mos.		HILDA BUSH, paternal aunt, is Petitioner.	<u>CONTINUED FROM 01/20/15</u>
		Father: JOHN MICHAEL ADAMS – Personally served on 11/13/14	This petition pertains to Trenton & Tamaiya Adams only. Luella Douglas, maternal cousin, was appointed successor guardian of Vashti Winchester on 10/27/14. Clotilde Brown, maternal grandmother, was previously appointed as guardian of both Vashti and Trenton on 09/25/13; however, Ms. Brown passed away on 07/07/14.
Cont. from 012015		Mother: NOVELL BROWN – Personally served on 11/25/14	As of 03/05/15, nothing further has been filed and the following notes remain:
	Aff.Sub.Wit.	Paternal grandparents: UNKNOWN	1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:
✓	Verified	Maternal grandfather: Deceased	a. Paternal grandparents
	Inventory	Maternal grandmother: CLOTILDE BROWN - Deceased	b. Tamara Adams (sister)
	PTC	Siblings: TAMARA ADAMS (34), TONYA ADAMS (32), TRAVIS ADAMS (31), QUENTESSAH EQUARTE (20); LASHAYRA WILLIAMS (19), WESTLEY WILLIAMS (17), SAHUANNA WILLIAMS (14)	c. Tonya Adams (sister)
	Not.Cred.		d. Travis Adams (brother)
✓	Notice of Hrg		e. Quentessah Equarte (sister)
	Aff.Mail	x	f. Lashayra Williams (sister)
	Aff.Pub.		g. Westley Williams (brother)
	Sp.Ntc.		h. Sahuanna Williams (sister)
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp	Petitioner states that CPS has been involved and her brother asked her if she would care for the children. Petitioner states that she does not want the children in the system.	
	Objections		
	Video Receipt		
✓	CI Report	Court Investigator Jennifer Young filed a report on 01/12/15.	
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 03/05/15
			Updates:
			Recommendation:
			File 15 – Winchester & Adams

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Notice of Child Custody proceeding for Indian Child (ICWA-030) was filed 2/20/15 and thereafter notice was served by the Court as required on 2/23/15. Further continuance is necessary pursuant to Probate Code §1460.2 and Cal. Rule of Court 7.1015 for time for response. Based on the filing date, it appears continuance to at least May 2015 is appropriate. 2. Petitioners filed declarations of due diligence for both parents and the unknown paternal grandparents. If diligence is not found, need notice pursuant to Probate Code §1511 or further diligence. 3. Need new orders/letters with Petitioners' current address.	
Cont. from 012015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: KT				
Reviewed on: 3/6/15 (skc)				
Updates:				
Recommendation:				
File 16 – Peebles-Gessner				

Atty Bryant Cain, Rebecca Ann (pro per – maternal grandmother/Petitioner)

Atty Hemingway, Monay (pro per – mother/objector)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Antoine, 6		<p align="center"><u>TEMPORARY EXPIRES 01/20/15</u></p> <p>REBECCA ANN BRYAN CAIN, maternal grandmother, is Petitioner.</p> <p>Father (Antoine & Trinity): ANTOINE HEMINGWAY – Acknowledged Notice in Court on 01/20/15 and stated that he consents</p> <p>Father (Confidence): MAURICE KELLY – personally served on 12/22/14</p> <p>Mother: MONAY HEMINGWAY – Personally served in open court on 12/01/14 per Minute Order</p> <p>Paternal grandparents (Antoine & Trinity): DECEASED</p> <p>Paternal grandparents (Confidence): UNKNOWN</p> <p>Maternal grandfather: MELVIN CARTER – Personally served on 01/25/15</p> <p>Petitioner states that she has had the children in her care since 06/28/14. When they came into her care they were hungry, dirty, tired and bruised up. Their PG&E had been off for some time without her knowing it. They did not have decent shoes and Confidence didn't have any shoes at all. Petitioner states that this is not the first time she has had to step in and help the children and each time the mother gets angry.</p> <p>Objection to Guardianship filed 12/10/15 by Monay Hemingway (mother) states that the allegations against her are false and that CPS was misinformed. She believes that her children should be back in her care.</p> <p>Declaration of Petitioner Rebecca Bryan Cain filed 12/18/15 attaches letters from the children's school that state that the children have severe behavioral problems and that petitioner is working with the school to help the children and that their school attendance has been excellent since in Petitioner's care.</p> <p>Court Investigator JoAnn Morris filed a report on 01/06/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/20/15</u></p> <p>1. Need proof of service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <p>a. Confidences' Paternal grandparents – service by mail sufficient</p>	
Trinity, 5				
Confidence, 2				
Cont. from 012015				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			w/
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: JF
Reviewed on: 03/05/15
Updates:
Recommendation:
File 17 - Hemingway

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 11		<u>TEMPORARY EXPIRES 03/10/15</u>		NEEDS/PROBLEMS/COMMENTS:	
		ANITA MACIAS , maternal grandmother, is Petitioner.		<u>CONTINUED FROM 01/20/15</u>	
		Father: HENRY VALENZUELA – <i>Declaration of Due Diligence filed 11/13/14</i>		Minute Order from 01/20/15 states:	
Cont. from 012015		Mother: PATRICIA VALENZUELA – <i>deceased</i>		Vanessa Valenzuela , sister, represents that she can provide Ms. Macias with the father's address in Mexico. She further represents that she believes the paternal grandfather is alive, but she believes the paternal grandmother might be deceased. Parties are to cooperate regarding visitation between the sisters and the minor.	
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>			
<input type="checkbox"/>	Verified	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Inventory	<input type="checkbox"/>			
<input type="checkbox"/>	PTC	<input type="checkbox"/>			
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>			
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>			
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>			
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>			
<input type="checkbox"/>	Objections	<input type="checkbox"/>			
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>			
<input type="checkbox"/>	9202	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>			
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>			
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>			
<input type="checkbox"/>	Citation	<input type="checkbox"/>			
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>			
				As of 03/05/15, nothing further has been filed and the following notes remain:	
				2. Need Notice of Hearing.	
				3. Need proof of service of Notice of Hearing with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
				a. Henry Valenzuela (father) – personal service required. Note: Declaration of Due Diligence filed 11/13/14 states that the father was deported to Mexico in 2004 and his current whereabouts are unknown	
				b. Paternal grandparents – service by mail sufficient	
				Reviewed by: JF	
				Reviewed on: 03/05/15	
				Updates:	
				Recommendation:	
				File 18 - Valenzuela	

Amended Petition for Probate of Will and for Letters Testamentary

DOD: 10-16-14		<p>DEBORA A. CAVANAUGH, Daughter and named alternate executor without bond, is Petitioner.</p> <p>Full IAEA: ok</p> <p>Will dated 11-17-94</p> <p>Residence: Kerman, CA Publication: Fresno Bee</p> <p>Estimated value of estate: Personal property: \$ 3,000.00 <u>Real property: \$158,000.00</u> Total: \$161,000.00</p> <p>Probate Referee: Rick Smith</p> <p>TERRY BREWER, Son, filed an objection on 12-29-14 in response to the prior petition for probate filed 11-26-14.</p> <p>Petitioner responded to the objection in an attachment to this amended petition.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need dates of death of the decedent's deceased spouse Charles Brewer and deceased son Danny Brewer pursuant to Local Rule 7.1.1.D. 2. Petitioner filed proof of publication on 1-8-15 in connection with her prior petition for probate that was heard on 1-13-15 and continued to 3-10-15. This amended petition was later filed and set for the continued date of 3-10-15. <p>Petitioner refers the Court to her prior publication. The Court may require authority or republication for this amended petition.</p> <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tuesday, August 11, 2015 for the filing of the Inventory and Appraisal • Tuesday, June 7, 2016 for the filing of the first account or petition for final distribution. <p>If the proper items are on file prior to the status hearing dates pursuant to Local Rule 7.5.C., then the status hearings may be taken off calendar. Otherwise, written status report and appearance is required.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			S/P
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: skc</p> <p>Reviewed on: 3-5-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19B - Brewer</p>				

			See Petition for details.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
N/A	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3-5-15	
			Updates:	
			Recommendation:	
			File 21 - Quintana	

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Court Investigation; clearances. 2. Petitioner filed a declaration of due diligence, a certified mail receipt, and a proof of personal service on Orlando Bandala, father of Yajayra. Need clarification: Was Mr. Bandala personally served pursuant to Probate Code §1511? 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - father of Efren, Mia, Kiara, and Nathan - paternal grandparents of Efren, Mia, Kiara, and Nathan - Maternal Grandparents
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report	X		
	Clearances	X		
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3-5-15	
			Updates:	
			Recommendation:	
			File 22 – Bandala, Sandoval, Sanchez	

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Mykayla, 6		<p align="center"><u>NO TEMPORARY IN PLACE</u></p> <p>RACHEL LEWIS, great aunt, is Petitioner.</p> <p>Father (Mykayla): MYCHAL PRESCOTT – deceased</p> <p>Father (Darius): DERRICK THOMAS, SR. – Declaration of Due Diligence filed 02/17/15</p> <p>Mother: TAKISHA MEANS – Consent & Waiver of Notice filed 01/06/14</p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandparents: DECEASED</p> <p>Petitioner states that she loves her niece and nephew and does not want them placed in foster care away from their family while their mother is unable to care for them.</p> <p>Court Investigator Samantha Henson filed a report on 03/04/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Derrick Thomas, Sr. (Darius' father) – personal service required; Declaration of Due Diligence filed 02/17/15 indicates that Petitioner contacted Mr. Thomas on Facebook and informed him of the hearing, however he would not provide an address to be served b. Paternal grandparents – service by mail sufficient
Darius, 4			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg x		
<input type="checkbox"/>	Aff.Mail x		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. x		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
✓	CI Report		
<input type="checkbox"/>	9202		
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
✓	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 03/06/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 - Lewis</p>	

Amended Petition to Determine Succession to Real Property

DOD: 10-16-14		JOE DEE KILGORE and RHETT STEVEN KILGORE are Petitioners.	NEEDS/PROBLEMS/COMMENTS: 1. Attachment 14 does not include Petitioners' relationships to the decedent. Need clarification. 2. Attachment 11 does not indicate the decedent's interest in the real property and the checking account. Need clarification: Separate property or community property? Did the decedent own 100% or some other portion? <u>Note:</u> See #11, Probate Code §§ 8850(c), 6401. 3. Submitted order is blank. Need <u>completed</u> order, including the legal description of the real property, etc.
		40 days since DOD	
		No other proceedings	
<input type="checkbox"/>	Aff.Sub.Wit.	I&A: \$144,953.07 (real property located at 3704 W. Persimmon Lane plus cash in checking account)	
✓	Verified		
✓	Inventory		
	PTC	Decedent died intestate	
	Not.Cred.	Petitioners request Court determination that the real property and checking account pass to them one-half each.	
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 3-6-15
			Updates:
			Recommendation:
			File 24 - Kilgore